

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**C.R. BARD, INC.,**

**Plaintiff,**

**v.**

**LEXINGTON INSURANCE COMPANY,**

**Defendant.**

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**Civil Action No. 12-050 (KSH)**

**ORDER &**

**ORDER ON INFORMAL APPLICATION**

This matter having come before the Court by way of letter dated September 14, 2012, regarding the joint request that the Court adjourn the deadlines to complete briefing on the motion for reconsideration of a portion of its August 21, 2012 Order until after their clients' first settlement meeting on October 25, 2012 so that the parties can focus their efforts on examining the underlying claims and discuss a possible resolution;

and the Hon. Katharine S. Hayden having stayed these proceedings except for the issues raised in the motion for reconsideration and the collection of information from the MDL case, ECF No. 27;

and the Undersigned seeking to balance those directives and the reasons for it against the parties desire to conserve resources;

and the Undersigned determining that requiring the parties to discuss the issues raised in the motion for reconsideration as part of the October 25, 2012 meeting and renewing, if necessary, the request for reconsideration via the joint letter protocol setting their respective positions concerning the motion for reconsideration after the October 25, 2012 meeting and

thereby enable the parties to achieve their goal but also ensure that they comply with the goals of Judge Hayden's Order.

IT IS THEREFORE ON THIS 14th day of September, 2012

ORDERED that the motion for reconsideration [ECF No. 24] is terminated;

IT IS FURTHER ORDERED that if the defendant intends to persist in its request that the Court reconsider the portion of its August 21, 2012 Order requiring it to produce 10 claims files during the relevant time frame for other insureds in the medical/pharmaceutical industry that involve interpretation of the words “related claims” or “occurrences” and Lexington’s Exclusion W, then the parties shall submit a letter in accordance with the joint letter protocol setting forth their positions no later than **October 31, 2012 at noon**. No request for reconsideration will be entertained after that date and time; and

IT IS FURTHER ORDERED that nothing herein operates to otherwise impact the directives in September 12, 2012 Order including the requirements concerning the claims of 10 other insureds and discovery in the MDL case nor does the adjustment to the briefing provide a basis to seek an adjustment of any deadlines in the September 12, 2012 Order.

s/Patty Shwartz  
**UNITED STATES MAGISTRATE JUDGE**